

Brown's Trial Delayed 8 Days

Defendant Is Ordered to Be Present

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BEL AIR, Md. (AP) — Circuit Court judge Harry E. Dyer Jr. granted an eight-day postponement in the trial of H. Rap Brown Monday and ordered the defendant to be present when it resumes.

It was the second postponement and Judge Dyer said there would be no more "unless the defendant himself could convince" him of the necessity.

"We have not heard from him, we do not know where he is," said William M. Kunstler, Brown's lawyer, when asked if he could guarantee attendance of his client in court next Tuesday.

Kunstler had asked for an indefinite postponement, saying Brown could not receive a fair trial so soon after two separate bombings within 24 hours last week in Maryland. Brown is charged with arson and inciting to riot.

RESPECTS POSITION

Judge Dyer, saying he did not feel as strongly as the defense that the bombings created an air of danger, possibly to the defendant, said nevertheless he respected its position and would grant an eight-day delay.

However, Dyer said "it is the

right and the duty" of the court to bring Brown to trial and stated he "must be present for all further proceedings."

He added, "I am confident that the defendant will receive a fair trial."

"This case is permeated with an aura of blood and bricks," said Kunstler, a defense lawyer in the Chicago 7 conspiracy trial, in arguing for indefinite postponement.

Two of Brown's friends, Ralph E. Featherstone, 30, and William H. Payne, 26, were killed in a car which blew up near Bel Air last Monday when his trial opened.

An FBI report released Saturday said the two were killed by the accidental detonation of explosives the two were transporting. The report said the explosive was dynamite, and the device was on the floor of the right front seat of the car.

SPEAKS OF VICTIM

Speaking of Featherstone in court Monday, Kunstler said in an unsteady voice: "I lost a friend on that road, a friend I have known for 10 years."

He excused himself further argument, saying "Your Honor, I cannot go on any longer," and two other defense lawyers continued.

Last Tuesday night, an explosive blew out the side of the courthouse 70 miles away in Cambridge where Brown had been scheduled to be tried on the charges arising from a night

of burning there in 1967 after a speech by Brown. The trial was transferred to Bel Air over objections by Kunstler.

"It is utterly impossible," Kunstler said, for Brown to receive a fair trial in the wake of the bombings. "They have bathed this case in blood," he declared.